

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

WELLS FARGO,
Garnishee-Defendant,
and
HASSAN ABDALLAH,
Judgment-Defendant.

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COURT NO. 4:03CR00055-001

**CLERK'S INSTRUCTIONS TO JUDGMENT-DEFENDANT AND
NOTICE OF POST-JUDGMENT GARNISHMENT**

YOU ARE HEREBY NOTIFIED that this garnishment is being taken by the United States of America, which has a judgment in the Eastern District of Texas, Sherman Division, Case Number 4:03CR00055-001, in the amount of \$132,903.00. A balance of \$125,379.09 remains as of May 18, 2021.

In addition, you are hereby notified that there are exemptions under the law which may protect some of the property from being taken by the government if Judgment-Defendant, Hassan Abdallah, can show that the exemptions apply.

This pre-judgment or post-judgment process has been issued on request of the United States of America.

The law provides that certain property and wages cannot be taken. Such property is said to be exempted. This notice lists the exemptions under federal law. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (i) fill out the attached claim for exemption form and (ii) deliver or mail the form to the clerk's office of this court and counsel for the United States. If you claim that the government failed to comply with a statutory requirement, you should (i) identify the statutory requirement and explain how the government failed to comply, and (ii) deliver or mail the form to the clerk's office of this court and counsel for the United States. You have a right to a hearing within ten business days, or as soon as practicable, from the date you file your claim with the court.

On the day of the hearing, you should come to court ready to explain why your property is exempted, and you should bring any documents which may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

If you want a hearing, you must notify the court within 20 days after receipt of the notice. Your request must be in writing. Attached is a proposed form to request a hearing, including a summary of the major exemptions that may apply.

If you are requesting a hearing, you must either mail or deliver in person your request to the United States District Clerk at: 101 East Pecan Street, Room 216, Sherman, Texas 75090. You must also send a copy of your request to the United States Attorney at: 110 North College, Suite 700, Tyler, Texas 75702, so the Government will

know you want a hearing. You must also serve a copy on the Garnishee-Defendant at: Wells Fargo, Attn: Legal Order Processing, MAC D1111-01A, Charlotte, North Carolina 28201.

The hearing will take place within 10 days after the clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

At the hearing, you may explain to the judge why you think you do not owe the money to the government. If you do not request a hearing within 20 days of receiving this notice, the proceeds from the garnishment will be paid on the debt you owe the government.

If you think you live outside the federal judicial district in which the court is located, you may request, no later than 20 days after you receive this notice, that this proceeding to take your property be transferred by the court to the federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the United States District Clerk at: 101 East Pecan Street, Room 216, Sherman, Texas 75090. You must also send a copy of your request to the United States Attorney at: 110 North College, Suite 700, Tyler, Texas, 75702, so the government will know you want the proceeding transferred. Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the clerk of the court. The clerk is not permitted to give legal advice but can refer you to other sources of information. If you hire an attorney to represent you in this proceeding, your attorney should electronically file

any objection and/or request for hearing and/or transfer with the United States District Clerk, Sherman Division. Instructions for electronic filing may be obtained by telephoning the United States District Clerk at: 903-892-2921. Instructions are also available at www.txed.uscourts.gov.

Date: _____

UNITED STATES DISTRICT CLERK

By: _____

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REQUEST FOR HEARING

Pursuant to 28 U.S.C. § 3202(d) the issues at such hearing shall be limited to (1) the probable validity of any claim of exemption by the judgment debtor; and, (2) to compliance with any statutory requirement for the issuance of the post judgment remedy granted. I am requesting a hearing because:

_____ The property that the Government is taking is exempt for the reasons indicated on attached Claim for Exemption Form (18 U.S.C. § 3613) (include exemption form)

_____ The Government failed to comply with the following statutory requirement for the issuance of this Writ of Continuing Garnishment:

Judgment-Defendant's Name

Judgment-Defendant's Signature

Address:

Telephone No.

Date: _____

CLAIM FOR EXEMPTION FORM
EXEMPTIONS UNDER FEDERAL LAW (18 U.S.C. § 3613)

NOTE: 18 U.S.C. § 3613(a), the federal statute governing liens arising from criminal fines and restitution obligations, generally incorporates the exemptions available to individual taxpayers under the Internal Revenue Service Code.

I claim that the exemption(s) from enforcement which are checked below apply in this case:

- ☐ **1. Wearing apparel and school books.** Such items of wearing apparel and such school books as are necessary for the debtor or for members of his family. See 26 U.S.C. § 6334(a)(1).
- ☐ **2. Fuel, provisions, furniture, and personal effects.** So much of the fuel, provisions, furniture, and personal effects in the Debtor's household, and of the arms for personal use, livestock, and poultry of the debtor, as does not exceed **\$9,790** in value. See 26 U.S.C. § 6334(a)(2).
- ☐ **3. Books and tools of a trade, business, or profession.** So many of the books, and tools necessary for the trade, business, or profession of the debtor as do not exceed in the aggregate **\$4,890** in value. See 26 U.S.C. § 6334(a)(3).
- ☐ **4. Unemployment benefits.** Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State, or of the District of Columbia or of the Commonwealth of Puerto Rico. See 26 U.S.C. § 6334(a)(4).
- ☐ **5. Undelivered mail.** Mail, addressed to any person, which has not been delivered to the addressee. See 26 U.S.C. § 6334(a)(5).
- ☐ **6. Certain annuity and pension payments.** Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. 1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of United States Code. See 26 U.S.C. § 6334(a)(6).
- ☐ **7. Workmen's Compensation.** Any amount payable with respect to compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico. See 26 U.S.C. § 6334(a)(7).

- ____ 8. **Judgments for support of minor children.** If the debtor is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment. See 26 U.S.C. § 6334(a)(8).
- ____ 9. **Certain service-connected disability payments.** Any amount payable to an individual as a service-connected (within the meaning of section 101(16) of Title 38, United States Code) disability benefit under—(A) subchapter II, III, IV, V, or VI of Chapter 11 of such Title 38 or (B) Chapter 12, 21, 23, 31, 32, 34, 25, 27, or 39 of such Title 38. See 26 U.S.C. § 6334(a)(10).
- ____ 10. **Assistance under Job Training Partnership Act.** Any amount payable to a participant under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) from funds appropriated pursuant to such Act. See 26 U.S.C. § 6334 (a) (12).

The statements made in this claim of exemptions and request for hearing as to exemption entitlement and fair market value of the property designated are made and declared under penalty of perjury that they are true and correct.

____ I hereby request a court hearing to decide the validity of my claims. Notice of the hearing should be given to me by mail at:

(_____) or telephonically at (_____)
 Address Phone No.

Debtor's printed or typed name

Signature of Debtor

Date

RETURN THE ORIGINAL REQUEST TO:

United States District Clerk
101 East Pecan Street, Room 216
Sherman, Texas 75090

SEND COPIES OF THIS REQUEST TO:

United States Attorney's Office
Financial Litigation Program
Attn: Robert Austin Wells
Assistant United States Attorney
110 North College, Ste. 700
Tyler, Texas 75702